REMARKS

Claims 1, 15, 16 and 18-22 are pending in the subject application. By this Amendment, claim 1 has been amended, new claims 27 and 28 have been added, and claims 15, 16, and 18-22 have been cancelled without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in the future. Support for the amendments to claim 1 can be found in the specification as originally filed at, inter alia, page 16, lines 16-19; page 83, lines 7 to 16 and Fig. 13. Support for new claims 27 and 28 can be found in the specification as originally filed at, inter alia, page 83, lines 7 to 16 and Fig. 13. Applicants maintain that the amendments to the claims raise no issue of new matter and respectfully request their entry. After entry of this Amendment, claims 1, 27 and 28 will be pending and under examination.

Information Disclosure Statement

In the July 3, 2008 Final Office Action the Examiner stated that "the listing of references in the Search report is not considered an information disclosure statement (IDS) complying with 37 CFR 1.98."

Applicants note, insofar as they understand this statement to apply to the Extended European Search Report (EESR) issued August 20, 2007 in connection with European Application No. 07 010 186.0 and filed as item no. 1 of the Supplemental IDS submitted by applicants on October 10, 2007 in connection with the subject application, that the items cited in the EESR were disclosed as items 2-10 of the Supplemental IDS submitted by applicants on October 10, 2007. Furthermore, the Examiner

returned copies of the PTO-1449 substitute forms submitted with the October 10, 2007 Supplemental IDS, listing items 1-10, as initialed and considered with the July 3, 2008 Final Office Action. Accordingly, applicants understand that both the EESR and the items recited therein have been considered by the Examiner.

Obviousness-Type Double Patenting Rejection

In the October 12, 2007 Office Action, the Examiner provisionally rejected claims 1, 15, 16 and 18-22 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 27, 39 and 40 of copending U.S. Application No. 10/712,642.

Applicants note that since the Examiner made this rejection, U.S. Serial No. 10/712,642 has been allowed. In addition, in response, applicants attach hereto as **Exhibit B** a Terminal Disclaimer signed by an authorized official of the assignee of record of U.S. Patent No. 10/712,642 and of the subject application, namely Sloan-Kettering Institute for Cancer Research.

In accordance with 37 C.F.R. §1.321(b), the Terminal Disclaimer submitted herewith as **Exhibit B** specifies the portion of the term of the patent being disclaimed, states the present extent of the assignee's ownership interest in the patent to be granted, and is accompanied by a check including the SEVENTY DOLLAR ($70.00) fee set forth in §1.20(d). Accordingly, applicants maintain that the Terminal Disclaimer submitted herewith complies with the requirements of 37 C.F.R. §1.321(b).

Accordingly, applicants respectfully request reconsideration and withdrawal of this ground of rejection.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 1, 15, 16 and 18-22 as allegedly obvious over Houseman (U.S. 6,200,754), Reeves et al. (JBC 264(9):5047-5052 (1989)), Anderson et al. (TIBS 18:433-437, (1993)), Takiguchi et al. (Genomics 35:129-135 (1996)), Milner et al. (Nat. Biotech. 15:537-541 (1997)) and in view of Au-Young et al. (U.S. 5,773,580) and Reed et al. (PNAS 87:3660-3664 (1990)).

In response, applicants respectfully traverse the Examiner's rejection. However, in order to expedite prosecution, and without conceding the correctness of the Examiner's position, applicants have hereinabove amended claim 1 to recite that the method increases the sensitivity of the cell to 1 ug/ml adriamycin by 3-5 fold, or increases the sensitivity of the cell to 6 Gy of γ-radiation by approximately 5-fold.

Applicants note that nowhere in the combination of cited art is such a method taught or suggested. Applicants further note that Milner et al., as cited by the Examiner, discusses that the efficacy of an antisense must be tested, thus indicating that the efficacy of any one antisense molecule is not predictable. Milner states that "surprisingly few [tested] oligonucleotides gave significant heteroduplex yield", (see Abstract). Furthermore, Milner et al. discuss the "variable success that is commonly experienced in the choice of antisense oligonucleotides", (see Abstract). Applicants maintain that the

efficacy recited in the method was therefore not predictable in light of the cited prior art. Accordingly, applicants maintain that the invention as claimed is not obvious over the cited prior art and respectfully request that the Examiner reconsider and withdraw this ground of rejection.